

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT ON ATTORNEY FEES

DIANE E. MCCUALEY

vs.

CASE NUMBER: 5:08-CV-67 (FJS/VEB)

MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY

Decision by Court. This action came to hearing before the Court.
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge Victor E. Bianchini is ADOPTED in its entirety, the Defendant's Motion for Judgment on the Pleadings is DENIED, the decision of the Commissioner is REVERSED and this case is REMANDED for further proceedings consistent with the Report & Recommendation.

Plaintiff is awarded the sum of \$4,500.00 in Attorney Fees and Expenses pursuant to the Equal Access to Justice Act, 28 USC section 2412. This matter is dismissed with prejudice.

All of the above pursuant to the Orders of the Honorable Senior Judge Frederick J. Scullin, Jr., dated 12/15/2009 and 1/28/2010.

DATED: February 2, 2010



Laurence A. Baum
Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk